IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 348 of 1984

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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ARVINDBHAI RANCHHODBHAI - Appellant(s)
Versus
HARISHCHANDRA DEVNANDAN & 4 - Defendant(s)

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Appearance :
MR KH BAXI for Appellant(s) : 1,
None for Defendant(s) : 1 - 2,4 - 5.
MR SV RAJU for Defendant(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 04/08/2006

ORAL JUDGMENT

1.0 By way of this appeal, the appellant has challenged the judgment and award dated 09.08.1983 passed by the Motor Accident Claims Tribunal, Ahmedabad (for short, “the Tribunal”) in M.A.C.P. No. 168 of 1981.

2.0 The brief facts of the case are that on 13.12.1979, while the appellant herein was riding his bicycle on the main road, a Truck bearing

Registration No. GTV 4687, driven by opponent no. 1 herein, dashed the bicycle of the appellant. On account of the said accident, the appellant suffered severe bodily injuries. He, therefore, filed a claim petition before the Tribunal claiming compensation of Rs. 25,000/-.

2.1 In the said petition, after hearing the parties, the Tribunal passed the judgment and award which is under challenge in this appeal.

3.0 Heard learned counsel for the parties. In the impugned award, the Tribunal has recorded a finding that the accident in question had occurred on account of the negligence of the appellant. In the written statement filed before the Tribunal, the opponent no. 1 has stated that the appellant was driving the said bicycle in a zig-zag manner on account of which the accident in question took place. There is no evidence on record to prove that the manner of driving the vehicle by opponent no. 1 was the direct and proximate cause of the injuries sustained by the

appellant.

3.1 In fact, it appears that the appellant had dashed with the Truck and must have, subsequently, fallen down from the bicycle. The document at Exh. 74, the injury certificate at Exh. 51 and even the 'Panchnama' at Exh. 48, do not support the case of the appellant. Hence, I find no infirmity with the findings recorded by the Tribunal. No case has been made out by the appellant calling interference of this Court in this appeal.

4.0 In the result, the appeal is dismissed. No order as to costs.

(K. S. Jhaveri, J.)

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